



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,008	11/14/2005	Rene Bemmer	102132-26	3839
27388	7590	01/26/2009	EXAMINER	
NORRIS, MC LAUGHLIN & MARCUS				PHUONG, DAI
875 THIRD AVE		ART UNIT		PAPER NUMBER
18TH FLOOR		2617		
NEW YORK, NY 10022				
		MAIL DATE		DELIVERY MODE
		01/26/2009		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/532,008 DAI A. PHUONG	BEMMER ET AL. Art Unit 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 April 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 21-36 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 21-36 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 April 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. This Office Action is response to the preliminary amendment filed on 04/20/2008 in which claims 1-20 have been canceled and claims 21-36 have been added.

### ***Information Disclosure Statement***

2. The references listed in the Information Disclosure Statement submitted on 05/09/2005 and 07/10/2008 have been considered by the examiner.

### ***Claim Objections***

3. Claim 31 is objected to because of the following informalities: Claim 31 recites “the stored y contents” in line 1. There is insufficient antecedent basis for this limitation in the claim. It should be corrected as “the stored contents”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Carter et al. (Pub. No.: 20040054732).

Regarding claim 1, Carter et al. disclose in Figure. 1, paragraph 9 and paragraph 25 to paragraph 26 an internet protocol based multimedia system using means for location information and media components during information (7) exchange between a communication center (3)

and peripheral units (1, 4), wherein the means for location information and the media components are provided by at least a mobile communications network (2.), and the communication center (3) providing a transmission of messages (7) via a mobile community service,

wherein the region in which the message (7) is being distributed is specified by different distribution classes ([0037]-[0038] and [0042]. The sender may specify how far away from the location a recipient may be in order to retrieve an e-mail message), including the classes "local" ([0042]. Carter et al. disclose that the recipient will receive his/her e-mail message based upon location information which is set by the sender), "walking distance" and "city wide" ([0039], [0046] and 0053]), whereby the distribution class "local" covers approximately the size of a radio cell and / or the neighboring cells ([0042]. The user may specify how far away from the location a recipient may be in order to retrieve the e-mail message), the distribution class "walking distance" covers the region within a walking distance, and the distribution class "city wide" covers a region within the borders of a city ([0039], [0046] and 0053]. The recipient will receive an e-mail message from a parking lot).

Regarding claim 22, Carter et al. disclose all limitations in claim 21. Further, Carter et al. disclose the internet protocol based multimedia system wherein the information (7) includes at least one of a text message, a voice messages, a picture message or a video message, or a combination thereof ([0037]. The recipient will receive an e-mail message based on his/her location information).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 23-27 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (Pub. No.: 20040054732) in view of Grube et al. (Pub. No.: 20030100326).

Regarding claim 23, Carter et al. disclose all limitations in claim 21. Further, Carter et al. disclose a process for information exchange using components of an Internet protocol based multimedia system according to claim 21, the process comprising the steps of providing the information exchange including a transmission of messages (7) via a mobile community service ([0009] and [0025] to [0026]), wherein the region in which the message (7) is to be distributed is specified by different distribution classes, including the classes "local" ([0042], "walking distance" and "city wide" ([0039], [0046] and 0053]), whereby the distribution class "local" covers approximately the size of a radio cell and/or the neighboring cells ([0042]. The user may specify how far away from the location a recipient may be in order to retrieve the e-mail message), the distribution class "walking distance" covers, the region within a walking distance, and the distribution class, ` city wide" covers a region in the borders of a city ([0039], [0046] and 0053]).

However, Carter et al. do not disclose allowing the subscriber to send contact data from his mobile handset. (1) to mobile handsets (4) of other users and vice versa, wherein the messages of a chosen media type are to be sent within a certain range around the subscribers

current location or a set of chosen media types are to be received from other users within a certain range.

In the same field of endeavor, Grube et al. disclose allowing the subscriber to send contact data from his mobile handset. (1) to mobile handsets (4) of other users and vice versa, wherein the messages of a chosen media type are to be sent within a certain range around the subscribers current location or a set of chosen media types are to be received from other users within a certain range ([0032] to [0036]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Carter et al. by specifically including allowing the subscriber to send contact data from his mobile handset. (1) to mobile handsets (4) of other users and vice versa, wherein the messages of a chosen media type are to be sent within a certain range around the subscribers current location or a set of chosen media types are to be received from other users within a certain range, as taught by Grube et al., the motivation being in order to participate and monitor an event within a particular location.

Regarding claim 24, the combination of Carter et al. and Grube et al. disclose all limitations in claim 23. Further, Grube et al. disclose the process wherein an application menu is operated in the terminal devices (1, 4) of users of the mobile communication network (2) for gaining access to the mobile community service ([0032] to [0036]).

Regarding claim 25, the combination of Carter et al. and Grube et al. disclose all limitations in claim 23. Further, Grube et al. disclose the process wherein the mobile community service comprises an active mode and wherein the subscriber becomes active and sends messages (7) to mobile devices (4) of other users, and wherein the mobile community service

comprises an inactive mode in which the subscriber receives other community members messages only ([0049] to [0068]).

Regarding claim 26, the combination of Carter et al. and Grube et al. disclose all limitations in claim 25. Further, Grube et al. disclose the process wherein in both modes the preferred name and media type of the messages (7) is specified ([0049] to [0068]).

Regarding claim 27, the combination of Carter et al. and Grube et al. disclose all limitations in claim 25. Further, Carter et al. disclose the process wherein in the active mode the user specifies the media type and the special content of the message to be sent to other users ([0037]).

Regarding claim 32, the combination of Carter et al. and Grube et al. disclose all limitations in claim 23. Further, Carter et al. disclose the process wherein web access to the Internet (5) is provided to all the users ([0025] to [0026]).

Regarding claim 33, the combination of Carter et al. and Grube et al. disclose all limitations in claim 23. Further, Carter et al. disclose the process wherein the users create content at a personal computer (6) and store the content for later selection via the mobiles menu, and wherein the pre-recorded content is displayed automatically when the mobile terminal community service module is activated ([0037] to [0043]).

Regarding claim 34, the combination of Carter et al. and Grube et al. disclose all limitations in claim 23. Further, Carter et al. disclose the process wherein the user specifies the region in which messages (7) can be sent and/or received ([0037] to [0043]).

Regarding claim 35, the combination of Carter et al. and Grube et al. disclose all limitations in claim 23. Further, Carter et al. disclose the process wherein the messages (7) are differentiated according to contact aims ([0037] to [0043]).

Regarding claim 36, the combination of Carter et al. and Grube et al. disclose all limitations in claim 23. Further, Carter et al. disclose the process wherein the messages (7) include details of personal interests ([0037] to [0043]).

8. Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (Pub. No.: 20040054732) in view of Grube et al. (Pub. No.: 20030100326) and further in view of Wu et al. (Pub. No.: 20040203946).

Regarding claim 28, the combination of Carter et al. and Grube et al. disclose all limitations in claim 23. However, the combination of Carter et al. and Grube et al. do not disclose the process wherein the messages are recorded directly by using the user's mobile terminal capabilities.

In an analogous art, Wu et al. disclose the process wherein the messages are recorded directly by using the user's mobile terminal capabilities ([0004] and [0012] to [0013]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Carter et al. by specifically including disclose the process wherein the messages are recorded directly by using the user's mobile terminal capabilities, as taught by Wu et al., the motivation being in order to transmit a calendar message from a mobile station to all members of the group.

Regarding claim 29, the combination of Carter et al. and Grube et al. disclose all limitations in claim 23. However, the combination of Carter et al. and Grube et al. do not disclose the process wherein the messages are chosen from a set of pre-recorded contents.

In an analogous art, Wu et al. disclose the process wherein the messages are chosen from a set of pre-recorded contents ([0004] and [0012] to [0013]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Carter et al. by specifically including the messages are chosen from a set of pre-recorded contents, as taught by Wu et al., the motivation being in order to transmit a calendar message from a mobile station to all members of the group.

Regarding claim 30, the combination of Carter et al. and Grube et al. and Wu et al. disclose all limitations in claim 29. Furthermore, Carter et al. discloses the process wherein the contents are predefined and stored under a personal account via a web interface ([0037]).

Regarding claim 31, the combination of Carter et al. and Grube et al. and Wu et al. disclose all limitations in claim 29. Furthermore, Carter et al. discloses the process wherein the stored contents are offered on a selection menu automatically to the subscriber if the active mode is selected ([0038]).

### **Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eisen Alexander can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dai A Phuong/  
Examiner, Art Unit 2617  
Date: 01/17/2009

/Alexander Eisen/  
Supervisory Patent Examiner, Art Unit 2617